

S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

RESOLUTION OF SUPPORT-HOUSE BILL 5768 LIBERTY PRESERVATION

WHEREAS, the Constitution of the United States, along with the Declaration of Independence, codifies our God-given rights and freedom and is the foundation of our nation's laws, and the basis of our Constitutional Republic form of government; and

WHEREAS, the indefinite military detention without trial of any person, including US citizens, could be allowed by Sections 1021 and 1022 of the National Defense Authorization Act (NDAA); and

WHEREAS, the indefinite military detention of any person without trial violates the 5th and 6th amendments of the Constitution of the United States, Article III of the Constitution of the United States, and the Posse Comitatus Act; and

WHEREAS, the NDAA corrodes the ideals of presumed innocence and right to a fair trial on which our nation was founded, and which generations of activists and military servicemen and women have fought to preserve; and

WHEREAS, the Allegan County Board of Commissioners a legislative body, re-affirms its gratitude for the supreme sacrifice of those in the Armed Forces who have died in battle in the name of those same cherished rights and liberties; and

**WHEREAS**, the NDAA's detention provisions could, under *Humanitarian Law Project v. Holder*, allow the targeted detention of activists, journalists and other Americans exercising their First Amendment rights despite the crucial role of Free Speech in preserving liberty; and

**WHEREAS**, the NDAA's detention provisions could allow the recurrence of torture in military detention in violation of the Eighth Amendment; and

**WHEREAS**, the detention provisions could force US military service members to serve as domestic jailers, a role for which they are neither trained nor equipped, nor is ever appropriate and is highly unconstitutional; and

**WHEREAS**, the FBI Director, the Defense Secretary, the Director of National Intelligence, the Department of Defense, and many of our nation's generals, admirals, judges and servicemen and women have opposed the NDAA's detention provisions; and

**WHEREAS**, the Allegan County Board of Commissioners a legislative body, has an extensive duty and a oath of affirmation for protecting its Allegan County residents' civil rights and liberties as embodied in those inalienable rights endowed to us by our creator through the natural law found through out the Constitution of the United States of America and it's duty in the rejection of sections 1021 and 1022 of the 2012 NDAA.

**THEREFORE BE IT RESOLVED** that the Allegan County Board of Commissioners condemns in no uncertain terms Sections 1021 and 1022 of the 2012 NDAA as they purport to:

1) repeal *Posse Comitatus* and authorize the President of the United States to utilize the Armed Forces of the United States to police the United States of America,

2) indefinitely detain persons captured within the United States of America without charge until the end of hostilities as purportedly authorized by the 2001 Authorization for Use of Military Force,

3) subject persons captured within the United States of America to military tribunals, and

4) transfer persons captured within the United States of America to a foreign country or foreign entity; and

**BE IT RESOLVED**, that the Allegan County Board of Commissioners finds that the enactment into law by the United States Congress of Sections 1021 and 1022 of the National Defense Authorization Act of 2012, Public Law Number 112-81, is inimical to the liberty, security and well-being of the people of Allegan County and was adopted by the United States Congress in violation of the limits of federal power in the United States Constitution; and

**BE IT RESOLVED**, that all agencies of Allegan County are asked to decline requests by federal agencies acting under detention powers of Sections 1021 and 1022 of the

National Defense Authorization Act of 2012 that could infringe upon residents' freedom of speech, religion, assembly, privacy, rights to counsel, or other rights not here explicitly enumerated as well as their safety from harm committed by politically powerful domestic enemies of the Constitution; and

**BE IT RESOLVED**, that the Allegan County Board of Commissioners sends a message from this legislative body to Congress that the 2001 Authorization for Use of Military Force (AUMF) should expire at the end of the war in Afghanistan so that the government can not continue to use the AUMF as jurisdiction for it's claims that war is everywhere and anywhere and that the president can order the American Military to imprison without charge or trial people indefinitely detained far from any true battlefield; and

**BE IT FURTHER RESOLVED**, that the Allegan County Board of Commissioners hereby sends a message to Congress that sections 1021 and 1022 should be repealed and copies of this Resolution be immediately transmitted to Barack Obama, President of the United States, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, each member of Congress from Michigan, to John Roberts, Chief Justice of the United States Supreme Court; each justice on the United States Supreme Court; Michigan

Governor Rick Snyder, Attorney General Bill Schuette, each justice on the Michigan State Supreme Court, and the Michigan State House Speaker and Senate Majority Leader and all County Board of Commissioners therein; and

**BE IT FINALLY RESOLVED**, that the Allegan County Board of Commissioners hereby calls on Gov. Rick Snyder and the Legislature, and specifically Senator Rick Jones and Representative Genetski, to support and enact HB5768 that prohibits state/local employees and the national guard from aiding federal agents and or armed forces in any investigation, arrest, or detention of any citizen within the State of Michigan under the NDAA, of which, will help to safeguard our individual freedoms and civil liberties of the citizens of Allegan County and the State of Michigan from an overpowering federal government.

Moved by Commissioner Black, seconded by Commissioner VanEck to adopt the resolution as presented.

Moved by Commissioner Sage, seconded by Commissioner Burns to amend the resolution as follows:

**BE IT RESOLVED**, that all agencies of Allegan County ~~up to and including Allegan County Sheriff Department and all police departments in the jurisdiction of Allegan County~~ are ~~instructed~~ **ASKED** to decline requests by federal agencies acting under detention powers of Sections 1021 and 1022 of the National Defense Authorization Act of 2012 that could infringe upon residents' freedom of speech, religion, assembly, privacy, rights to counsel, or other rights not here explicitly enumerated as well as their safety from

harm committed by politically powerful domestic enemies of  
the Constitution; and


Motion carried by roll call vote: Yes - 8 votes. No  
- 3 votes. Absent - 0 votes.

|   |              |   |              |
|---|--------------|---|--------------|
| Y | TERRY BURNS  | Y | DON BLACK    |
| Y | STEVE McNEAL | Y | TOM JESSUP   |
| Y | PAUL VanECK  | Y | BILL SAGE    |
| N | MARK DeYOUNG | Y | JON CAMPBELL |
| N | DEAN KAPENGA | Y | LARRY JONES  |
| N | MAX THIELE   |   |              |

Moved by Commissioner Black, seconded by Commissioner  
VanEck to adopt the resolution as amended. Motion carried  
by roll call vote: Yes - 8 votes. No - 3 votes. Absent -  
0 votes.

|   |              |   |              |
|---|--------------|---|--------------|
| Y | TERRY BURNS  | Y | DON BLACK    |
| Y | STEVE McNEAL | N | TOM JESSUP   |
| Y | PAUL VanECK  | Y | BILL SAGE    |
| N | MARK DeYOUNG | Y | JON CAMPBELL |
| Y | DEAN KAPENGA | Y | LARRY JONES  |
| N | MAX THIELE   |   |              |

ATTEST, A TRUE COPY

 \_\_\_\_\_, Clerk-Register

APPROVED: August 23, 2012

cc: Admin. - Finance - Human Resources